

<p style="text-align: center;">CHAPTER X CHILDREN WITH DISABILITIES ENROLLED IN PRIVATE SCHOOL 707 KAR 1:370</p>

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SECTION 1. CHILDREN WITH DISABILITIES ENROLLED IN PRIVATE SCHOOLS BY THEIR PARENTS WHEN FAPE IS AT ISSUE

A LEA shall make FAPE available to each child with a disability. If a parent decides to place his child with a disability in a private school after the offer of FAPE, the LEA shall not be required to pay for the cost of the private education. Disagreements between a parent and the LEA regarding the availability of a program appropriate for the student and financial responsibility shall be subject to the due process procedures in 707 KAR Chapter 1.

If the ARC determines that KLEA has an appropriate educational program for the child, and the parent chooses to place the child in a program or facility in another county or independent district, or private organization, the parent assumes responsibility for payment for the costs incurred in educating the child. KLEA is not required to pay for the education of the child with a disability in any location other than the one selected by KLEA if the child has a free appropriate public education available from the public school district of residence and the parents chose to unilaterally place the child in the private school or facility. Disagreements between a parent and KLEA regarding the availability of a program appropriate for the child, and the question of financial responsibility, are subject to the due process procedures according to procedures in Chapter VII, Procedural Safeguards.

If a parent of a child with a disability, who previously received special education and related services under the authority of the LEA, enrolls the child in a private school without the consent of or referral by the LEA, a hearing officer or a court may award financial reimbursement to the parent if it is determined that the LEA did not offer FAPE to the child in a timely manner and the private placement is appropriate. This may be awarded even if the parents did not receive consent from the LEA for the private placement and the LEA did not make a referral to the private school. A hearing officer or a court may determine a private school placement to be appropriate even though it does not meet state standards that apply to a LEA.

The determinant factor regarding payment for services by the KLEA is whether the KLEA offered a free appropriate public education (FAPE) to the child in a timely manner. Decisions regarding FAPE are made through the ARC process as described in Chapter V, IEP and are in accordance with the provisions in Chapter II, FAPE, and Chapter VIII, Placement. The private school placement selected by the parents is not required to meet the state standards that apply to KLEA, but it must be determined to be appropriate for the child by the hearing officer or court.

The cost of the financial reimbursement described may be reduced or denied in one of the following situations:

- (a) if at the most recent ARC meeting prior to the removal by the parents of their child with a disability to the private school, the parents did not inform the LEA that they were rejecting the proposed LEA placement, including stating their concerns and their intent to enroll the child in a private school at public expense;
- (b) if at least ten (10) business days (including any holidays that occur on a business day) prior to the removal of the child, the parents did not give written notice to the LEA of the information

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described in (a) above;

(c) if, prior to the parent's removal of the child, the LEA informed the parents of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for the evaluation; or

(d) upon a judicial finding of unreasonableness with respect to the actions taken by the parents.

The cost of financial reimbursement shall not be reduced or denied for the failure to provide the notice described above if:

(a) the parent is illiterate

(b) compliance with this notice requirement would likely result in physical or serious emotional harm to the child;

(c) the school prevented the parent from providing the notice; or

(d) parent had not received notice from the LEA of his obligation to provide this notice.

The KLEA includes notice of the above responsibilities of the parent in the written Notice of Parent's Rights document provided in accordance with procedures in Chapter VII, Procedural Safeguards, Section 3.

SECTION 2. CHILDREN WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE SCHOOL

A LEA shall locate, identify, and evaluate all private school children with disabilities, including religious school children residing within the boundaries of the LEA. These activities shall be comparable to the activities to locate, identify, and evaluate children with disabilities in the public schools. A LEA shall consult with appropriate representatives of the private schools on how to carry out these activities.

In Kentucky, private, home, parochial and church schools are all considered non-public schools. Therefore, for the purposes of special education requirements, children who are being home schooled are considered to be in a private school, in accordance with Kentucky law.

The KLEA will locate, identify and evaluate in accordance with Child Find procedures, all children with disabilities whose parents live within the boundaries of the KLEA, even though the child may attend a private school located with in another school district. If, through Child Find efforts, a child is located who lives in another school district, the DoSE, in cooperation with the Director of Pupil Personnel (DPP), will notify the DoSE of the district in which the child resides.

Children voluntarily enrolled by their parents in private schools are included in the Child Find requirement, including those who may be attending a private school outside the school district boundaries. The methods chosen to locate, identify, and evaluate are comparable to methods used for children in public schools as referenced in Chapter III, Child Find and Chapter IV, Determination of Eligibility.

SECTION 3. SERVICE PLANS

Determination of Proportionate Amount of Spending

A LEA shall consult with representatives of private schools in deciding how to conduct the annual count of the number of private school children with disabilities. This child count shall be used to determine the amount that the LEA shall spend on providing special education and related services to private school children with disabilities in the next subsequent fiscal year.

The amount to be spent shall be an amount that is the same proportion of the LEA's total subgrant as the number of private school children with disabilities aged three (3) to twenty-one (21) residing within the boundaries of the LEA to the total number of children with disabilities aged three (3) to twenty-one (21) residing within the boundaries of the LEA. This same formula shall be applied to children aged three (3) through five (5).

Districts must determine the number of all children in their district who are enrolled in private schools and who are eligible for special education. This includes private school children reported on the district's child count, as well as, *all other eligible* private school children whose parents refused the district's offer of a free appropriate public education. "The proportionate share is determined based on the total number of eligible parentally-placed private school children with disabilities residing in the LEA's jurisdiction, and is not limited to the number of those children receiving special education or related services in accordance with a services plan." (Q & A #15, OSEP Letter, May 2000) The DoSE is responsible for ensuring that the Child Find Tracking System as described in Chapter III, Child Find, Section 1 includes information on all children with disabilities in Private Schools. This information will be use to determine the proportionate amount of funding, as well as the implementation of reevaluation timelines.

The DoSE is responsible for application of this process to determine the amount of funds that must be expended for services to children with disabilities placed by their parents in private schools.

Once the proportionate share of funds is calculated, the funds that are expended do not have to be Federal funds. Therefore, if State categorical aid funds or local funds are used, this could meet the requirement of the proportionate share of funds. The Kentucky Constitution Sec 189 does prohibit the appropriation, use or aid of any non-public (private) school through state taxes levied for educational purposes; therefore, for example, teachers paid from the KLEA general fund cannot provide services at the private school site.

Expenditures for child find activities shall not be considered in determining the amount the LEA is required to spend under this section.

Child Find activities, evaluation, and reevaluation are not included in the proportionate share of expenditures.

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Consultation with Representatives of Private Schools

A LEA shall consult, in a timely and meaningful way, with appropriate representatives of private school children with disabilities regarding the following:

- (a) the funding available under this administrative regulation;
- (b) the number of private school children with disabilities; and
- (c) the needs of those children and their location.

The consultation shall result in decisions as to:

- (a) which children will receive services under a services plan;
- (b) what services will be provided;
- (c) how and where the services will be provided; and
- (d) how the services provided will be evaluated.

The consultation with the appropriate representatives of the private school children with disabilities shall give the representatives a genuine opportunity to express their views regarding each matter listed above. The consultation shall take place prior to any decision made by the LEA about the services plans. The final decision shall be the responsibility of the LEA.

After the determination of the amount of funds that must be allocated for providing services to children in private schools, the KLEA, also through an opportunity for consultation with representatives of the private schools, determines which children or group of children will receive services; what type of services will be provided; how and where services will be provided; and how the services provided will be evaluated (See Section 2 of this Chapter).

Representatives of the private school children have a genuine opportunity to express their views and have meaningful input into the decision-making process. The group of appropriate representatives may include teachers, principals or other administrators of the private schools. The KLEA ultimately determines the types and levels of services to be provided.

The DoSE will obtain a listing of those students who reside in the district and are attending private schools from the Director of Pupil Personnel (DPP). This listing is compiled by the DPP from information provided in accordance with KRS 159.160, which requires non-public schools to report to the local superintendent information needed to comply with the laws regarding compulsory school attendance. Using this listing, the DoSE will mail letters to selected representatives of all private school settings. This letter will give an opportunity for input (e.g. meeting, written or phone response, etc.) into the KLEA's plans for conducting Child Find for private school students, the funding available for services, and the number of private school children with disabilities and their locations and needs. (See also Section 2 of this Chapter) The DoSE will maintain written records of this process, and the input received from appropriate representatives of private schools.

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Child to Receive Services

If a private school child with a disability is to receive special education and related services through a services plan, the LEA shall:

- (a) initiate and conduct ARC meetings to develop, review, and revise a services plan; and
- (b) ensure that a representative of the private school attends each ARC meeting. If the representative cannot attend the LEA shall use other methods to ensure participation by the private school including individual or conference telephone calls.

A private school child with a disability shall not have an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

The child with a disability who is unilaterally placed in a private school by parents may, under some circumstances, actually be entitled to receive no services from the KLEA. See the following section of this Chapter for a full description of the delivery of services process.

SECTION 4. SERVICES PROVIDED

A LEA shall ensure that services provided under a services plan will be provided by personnel meeting the same standards as personnel providing services in the public school.

Private school children with disabilities may receive a different amount of services than children with disabilities in public schools.

A private school child with a disability who has been designated to receive services shall have a services plan that describes the specific special education or related services that the LEA will provide in light of the services the LEA has determined to provide private school children with disabilities through the process in Section 3 of this Chapter.

The services plan shall, to the extent appropriate:

- (a) meet the requirements of an IEP under 707 KAR Chapter 1 (special education regulations) with respect to the services provided; and
- (b) be developed, reviewed, and revised consistent with the requirements to develop, review, and revise IEPs.

"If a determination is made that the child needs special education and related services, the general rule in 34 CFR §300.535(b) is that an IEP must be developed for the child in accordance with 34 CFR §§300.340-300.350, with one important exception. If the parents make clear their intention to enroll their child at a private school and that they are not interested in a public program or placement for their child, the public agency need not develop an IEP for the child. If the parents choose not to accept the public agency's offer to make FAPE available to their child, the public agency still must include the child in its eligible population of parentally-placed private school children with disabilities whose

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needs must be considered and addressed in accordance with 34 CFR §§300.450-300.462 of the Part B regulations." (Q & A #8, OSEP letter, May 2000)

Once it is decided which children or group of children with disabilities will receive services, the KLEA, through an ARC meeting, is responsible for preparing a Services Plan for each eligible child designated to receive services. Children in private schools have no individual right to receive FAPE, however, they are allowed to receive services through a Services Plan. The process to develop the Services Plan generally follows the IEP process, in that services should be related to the child's individual needs resulting from the disability.

The Services Plan contains:

- a. what services will be provided
- b. how and where the services will be provided; and
- c. how the services provided will be evaluated.

ARC meetings will be scheduled and conducted in accordance with procedures in Chapter V, IEP and Chapter VII, Procedural Safeguards. An ARC meeting will be conducted for every child who has been evaluated, even if it is suspected that the KLEA will not offer the specific service needed by the child to children who are enrolled in private schools. This ARC meeting, and any ARC meeting to develop, review, and revise a Services Plan, must include all of the participants required for an ARC meeting in accordance with procedures in Chapter V, IEP, Section 3. A representative of the private school will be included in the ARC to develop or revise a child's Services Plan. If the representative cannot attend the ARC meeting, the KLEA will use other methods to assure the representative's participation, including individual or conference telephone calls. The participation of the child's private school teacher could meet this requirement. During the ARC meeting, a full and complete explanation of all services that the child could receive if enrolled in the KLEA will be given to the parent. If, however, a parent of an eligible child determines not to enroll their child in the KLEA, the ARC will not develop an IEP, but may instead develop a Services Plan, if the services required by the child are being provided to children in private schools. The recorder will record discussions and actions on the Conference Summary form.

The KLEA will provide special education and related services as determined for children in private schools, but will not provide classes in the general curriculum for the private school student at the public school. For example, if parents request that in addition to receiving speech at the public school, their child also be allowed to take physics, the KLEA is not obligated.

SECTION 5. LOCATION OF SERVICES

A service to a private school child with a disability may be provided at a site determined by the LEA. If necessary for the child to benefit from or participate in the services provided under a services plan, the private school child with a disability shall be provided transportation:

- (a) from the child's school or the child's home to a site other than the private school; and
- (b) from the service site to the private school, or to the child's home, depending on the timing of the services.

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When a child is attending a private school outside the boundaries of the KLEA, the services may be provided within the KLEA district, or through contract with the public school district in which the private school is located. It is understood, however, that the public school district in which the private school is located is not required to contract to provide the services.

The public school, in consultation with the private school and the parents, makes the final decision about the location of the delivery of services. Ultimately, the decision rests with the public school.

A LEA shall not be required to provide transportation from the child's home to the private school.

The cost of transportation may be included in calculating the amount to be expended on private school children with disabilities.

"If services are offered at a site separate from the child's private school, transportation may be necessary in order to get the child from one site to the other, or the child may be effectively denied an opportunity to benefit. In this sense then, transportation is not a related service but is a means of making the services that are offered accessible. LEAs should work in consultation with representatives of private school children to ensure that services are provided at sites that will not require significant transportation costs." (Federal Comments, p. 12604)

The KLEA will determine the location of services in consultation with private school representatives, and make every effort to ensure that services will be provided at sites that minimize the transportation costs.

SECTION 6. DUE PROCESS PROCEDURES

The due process procedures afforded to parents and children with disabilities described in 707 KAR 1:340 Section 4, 5, and 6 shall not apply to complaints that a LEA failed to meet the requirements of this administrative regulation, including the provision of services indicated on a services plan. However, these requirements may be the basis for a written formal complaint under 707 KAR 1:340, Section 15. The due process procedures described in 707 KAR 1:340 shall apply to complaints that a LEA failed to complete its responsibilities under child find for private school children with disabilities and its responsibilities to evaluate and determine eligibility for private school children with disabilities.

"Parents may use the Act's due process procedures at §§300.504-300.515 regarding issues related to the identification and evaluation of children under Part B. 34 CFR §300.457(b). This would include disputes regarding child find, including individual evaluations, of children residing in the LEA's jurisdiction whose parents choose to enroll them in private schools. For example, disagreements between parents and school districts involving the child's eligibility for special education and related services, an LEA's refusal to conduct an evaluation or reevaluation of an individual parentally-placed private

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school child, or an LEA's refusal to conduct a requested evaluation or reevaluation of an individual parentally-placed private school child within a reasonable period of time, are all issues that could be raised in a due process hearing. In addition, an organization or individual may file a signed written complaint in accordance with the State complaint procedures at 34 CFR §§300.660-300.662 of the Part B regulations, alleging that an SEA or LEA has violated the applicable child find requirement, including individual evaluation and reevaluation requirements." (Q & A #12, OSEP Letter, May 2000)

In summary, parents of students voluntarily enrolled in private schools and receiving services under a Services Plan cannot seek due process or mediation regarding the school's alleged failure to meet the requirement of providing services to these children. Rather, the parents may request a meeting to review and revise the child's Services Plan, or the State complaint process may be utilized. Parents can seek due process to challenge the public school's Child Find activities or failure to comply with the evaluation requirements.

In the event of disagreements between parents and the KLEA, the KLEA representative is responsible for explaining to the parents their rights under this section.

SECTION 7. RESTRICTIONS ON SERVING NON-PUBLIC STUDENTS

Use of Funds

A LEA shall not use funds under Part B of IDEA to finance the existing level of instruction in a private school or to otherwise benefit the private school. The LEA shall use the funds provided under IDEA to meet the special education and related services needs of private school children with disabilities but not for:

- (a) the needs of a private school; or
- (b) the general needs of the students enrolled in the private school.

The LEA shall not use any funds under Part B of IDEA for repairs, minor remodeling, or construction of private school facilities.

The DoSE is responsible for monitoring the use of Part B funds for children voluntarily placed by their parents in private schools. IDEA funds may not be used to finance the existing level of instruction in the private school, even if such service should address a need of a child with a disability; service plans will not address any needs of a child that may be met by existing programs in the private school. In addition, funding may not be used to address the general needs of students enrolled in the private school, but only those needs that are unique to the child with a disability.

Personnel

A LEA may use funds under Part B of IDEA to make public school personnel available in private schools to the extent necessary to provide services under a services plan and if those services are not normally provided by the private school.

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A LEA may use funds under Part B of IDEA to pay for the services of private school personnel to provide services under a services plan if the employee performs the services outside his regular hours of duty and the employee performs the services under the supervision and control of the LEA.

The DoSE will monitor the amount of all Part B funds utilized for salaries or contracted service delivery purposes by specific individual and job assignment. KLEA employed staff will be assigned by the DoSE to provide services in Private Schools only to the extent determined by Service Plans developed in accordance with procedures in Section 3 of this Chapter.

If, in consultation with the Superintendent, the DoSE determines that Part B funds will be used to contract with Private School personnel to provide services under a Service Plan(s), the contract will include the specification that such services are provided outside his/her regular hours of duty at the Private School, and under the supervision and control of KLEA. The DoSE is responsible for providing this supervision and evaluation of the services delivered.

Property, Equipment and Supplies

The LEA shall keep title to and exercise continuing administrative control of all property, equipment, and supplies that the LEA acquires with funds under Part B of IDEA and uses for the benefit of private school children with disabilities. A LEA may place equipment and supplies in a private school for the period of time needed to provide the services.

The DoSE will keep an inventory of any property, equipment and supply items purchased through the use of PART B funds that are utilized to provide benefit to private school children with a disability through Service Plans. This inventory may include items utilized for purposes of Child Find (evaluation tests/kits, equipment such as audiometers, etc.), as well as service delivery (language programs, reading kits, picture cards, etc.) Expendable instructional supplies, such as paper, crayons, etc., will not be included in this inventory; as such low cost items are not purchased from Part B funds, but from the district general fund. Items will be included that are used solely or partially for the benefit of private school children.

Inventory categories will include: Description/type of item; Date Purchased, Cost; % of Cost Paid from Part B funds; Person Responsible for Use; Assigned Location of Item; Private School Setting(s).

The LEA shall ensure that the equipment, and supplies placed in a private school are used only for Part B purposes and can be removed from the private school without remodeling the private school facility.

The LEA shall remove equipment and supplies from the private school if the equipment and supplies are no longer needed for Part B purposes, or if removal is necessary to avoid unauthorized use of the equipment and supplies.

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When the assigned location of the equipment or supplies is a Private School, the item(s) will be secure, not permanently installed, and available for use with children with disabilities only by KLEA assigned or contracted staff. Such items may be removed from the Private School location by KLEA staff when no longer needed for Part B purposes (Child Find activities or service delivery as specified by a Service Plan). Federal funds cannot be used for repair, remodeling, or construction at a private school site. KLEA staff will report any suspected unauthorized use of the items to the DoSE, who, after discussion with Private School personnel, may remove the items from the Private School site if warranted.

PRIVATE SCHOOLS RESOURCES

OSEP and IDEA Partnership Approved Materials:

All materials listed are available at the following web site:
OSEP-Reviewed IDEA '97 Materials
<http://www.nichcy.org/idealist.htm>

Parentally-placed Children in Private Schools

Office of Special Education Programs (OSEP), U.S. Department of Education, 1999
This Topic Brief summarizes IDEA 97's final regulations with respect to parentally-placed children in private schools, with emphasis on major changes made from the Notice of Public Rulemaking (NPRM).

Questions and Answers on Obligations of Public Agencies in Serving Children with Disabilities Placed by Their Parents at Private Schools

Office of Special Education Programs, U.S. Department of Education, Letter to Chief State School Officers dated May, 2000;

This memo from OSEP responds to requests from the field for guidance regarding the nature and extent of school districts' obligations to parentally-placed private school children with disabilities under Part B of IDEA.

Relevant KY Statutes and Regulations:

Kentucky Constitution Sec. 5; establishes the prerogatives of the parents to choose the formal education for the child.

Kentucky Constitution Sec. 189; prohibits the appropriation, use or aid of any non-public school through state taxes levied for education purposes.

KRS Ann. 159.160; requires non-public schools to report to the local school superintendent the names, ages, and places of residence of all pupils and any other information the superintendent requires to comply with the laws related to compulsory attendance.

Materials Developed by KDE:

Eligible Children in Private Schools Without a Service Plan

Private School Proportionate Amount for Children with Disabilities

Pertinent Case Law (in order by date of decision):

Circuit Court Decisions Post IDEA '97

Board not required to Provide Interpreter to Parentally Placed Parochial School Student.

The Circuit Court reversed its January 1997 opinion. The LEA was not obligated under the IDEA to provide a sign language interpreter to a 14-year-old parochial school student with a hearing impairment. The IDEA amendments require local education agencies to provide parentally enrolled private school students with a “proportional share of federal funding”. LEAs are required to provide these students with a FAPE, but once a FAPE has been offered, the LEA has no further obligation to parentally-placed private school students. The LEA was not required to provide the student with an on-site interpreter under the IDEA. Cefalu ex rel. Cefala v. East Baton Rouge Parish Sch. Bd., 26 IDELR 166., 5th Cir. 1997.

LEAs Have Discretion Regarding Provision of Services to Voluntarily Enrolled Private School Students.

The Court reconsidered its previous determination that school districts were required to provide on-site services to voluntarily enrolled private school students. The Court reversed its decision and found the language of IDEA 1997 only required a state to provide voluntarily enrolled private school students with a proportionate amount of the state’s Federal Part B funds. LEAs have the discretion to determine whether they will provide on-site services to students with disabilities. The district was not obligated to provide a 16-year-old student with mental retardation with a consultant teacher and aide at the parochial school. Fussman by Russman v. Mills, 28 IDELR 612, 2nd Cir. 1998.

No Entitlement to Related Services at Parochial School; State Law Barred Provision of Services On-Site.

The Court concluded an 11-year-old with mental retardation who was parentally placed in a parochial school was not entitled to on site services under IDEA 97. The Court found that districts are only required to spend a proportional amount of federal funds on special education students who are voluntarily enrolled in private schools. As a result, the student did not have any right to special education, let alone special education services provided on the premises of her parochial school. Additionally, the court noted that a state law barred the provision of services on the site of private schools and there was no IDEA provision that appeared to override this state law. Foley v. Special Sch. Dist. Of St. Louis County, 28 IDELR 874, 8th Cir. 1998.

District’s Inadequate Child Find Procedures Might Lead to Reimbursement.

The circuit court reversed a district court decision and remanded the case back to the district court for further proceedings due to the existence of various factual disputes between the parties. The ALJ had determined that the parents of a student with a learning disability and an emotional disturbance who had never been enrolled in the school district were not entitled to reimbursement due to their knowledge that services were

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available. The district court should have concluded factual disputes existed. The circuit court stated that the parents might be entitled to reimbursement as a result of the district's inadequate child find procedures; summary judgment was unwarranted. Doe v. Metropolitan Nashville Pub. Schs., 3 ECLRP 143, 6th Dir. 1998.

District not required to provide services to student placed by parents at private nursing facility.

The court found that parents who unilaterally place children in private facilities, without the consent of the district or the IEP team, do so at the risk of losing LEA-funded special education services. The district refused to provide education services at the nursing facility, relying on the IDEA provision that unilateral placement in a "private school or facility" cuts off any right to receive services at a particular location. The court rejected the parents' contention that "facility" meant only an educational facility. Likewise, the court held that the district, in making FAPE available at the student's home, was not required under Nebraska state law to provide educational services at a private location selected by his parents. Jasa v. Millard Pub. Sch., 32 IDELR 57, 8th Cir., 2000.

OSEP Letters Post IDEA '97

OSEP Clarifies Obligations to Voluntarily Enrolled Private School Students

OSEP stated that the child find requirements apply to all students, regardless of whether they attend public or private schools. Voluntarily enrolled private school students must be given an opportunity for "equitable participation" in special education programs. Under IDEA '97 and the implementing regulations, this category of students does not have an individual right to a FAPE, but they must be allowed to participate in programs funded under Part B. LEAs must spend a proportionate amount of Part B funds on voluntarily enrolled private school students. Any services provided to this category of students must be comparable in quality to the services provided to district students. When determining what services to provide, LEAs are obligated to consult with representatives of the private schools.

OSEP 1998. Letter to McKethan, 29 IDELR 907.

Obligations to Voluntarily Enrolled Private School Students

OSEP noted that under IDEA '97, voluntarily enrolled private school students with disabilities have³ no individual right to a FAPE. The only obligations districts have toward these students are to offer a FAPE within the public schools, and spend a proportionate amount of IDEA funds on the provision of services to these students. How this amount is spent is left to each individual district. Districts are obligated to consult with representatives of private school students wishes determining which students will be served and the nature of the services to be provided. Any services provided to private school students must be comparable to those provided to students who attend public schools.

OSEP 1998. Letter to Rothman, 30 IDELR 269.